

MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HAROLD Y. MacCARTNEY, JR.,

Plaintiff, *Pro Se*,

- against -

KEVIN D. O'DELL and CHRISTOPHER J. WALSH,  
individually and doing business as MacCARTNEY,  
MacCARTNEY, KERRIGAN & MacCARTNEY, LAW  
OFFICE OF KEVIN D. O'DELL, P.C., and WILLIAM  
K. KERRIGAN, individually and doing  
business as MacCARTNEY, MacCARTNEY,  
KERRIGAN & MacCARTNEY,

Defendants.

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STIPULATION AND  
CONSENT ORDER OF  
DISMISSAL NOT ON  
THE MERITS AND  
WITHOUT PREJUDICE  
PURSUANT TO  
FRCP 41(a)(1)(ii)

7:14-cv-03925-NSR

WHEREAS, the Defendants Kevin D. O'Dell, William K. Kerrigan and the Law Offices of Kevin D. O'Dell, P.C., moved to dismiss Plaintiff's amended complaint (ECF No. 38), or the "Amended Complaint") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (ECF No. 51) and the Court granted the motion in part and denied the motion in part in an Opinion and Order dated February 29, 2016 (ECF No. 57), dismissing all of Plaintiff's claims against Defendants Kevin D. O'Dell and the Law Offices of Kevin D. O'Dell, P.C., except for unjust enrichment and dismissing Plaintiff's claims against Kerrigan except for breach of fiduciary duty, accounting, breach of New York Partnership Law, and unjust enrichment.

IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiff and the Defendants pursuant to FRCP 41(a)(1)(ii) that all of the remaining claims in the above entitled action are DISMISSED WITHOUT PREJUDICE AND NOT ON THE MERITS, with each party bearing that party's own attorney's fees and costs.

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Dated: April 6, 2021

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Dated: April 6, 2021

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ORDER OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure § 41(a), all of the remaining claims in the above entitled action are DISMISSED WITHOUT PREJUDICE AND NOT ON THE MERITS, with each party bearing that party's own attorney's fees and costs. The Clerk is directed to close the file. SO ORDERED.

Dated: April 7, 2021

A handwritten signature in black ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN, USDJ